

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

<b>CONSOLIDATED INDUSTRIES, LLC</b>	)	
<b>d/b/a WEATHER KING PORTABLE</b>	)	
<b>BUILDINGS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 1:22-cv-01230-STA-jay</b>
<b>v.</b>	)	
	)	
<b>JESSE A. MAUPIN, BARRY D.</b>	)	
<b>HARRELL, ADRIAN S. HARROD,</b>	)	
<b>LOGAN C. FEAGIN, STEPHANIE L.</b>	)	
<b>GILLESPIE, RYAN E. BROWN, DANIEL</b>	)	
<b>J. HERSHBERGER, BRIAN L. LASSEN,</b>	)	
<b>ALEYNA LASSEN, and AMERICAN</b>	)	
<b>BARN CO., LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

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**ORDER DENYING WITHOUT PREJUDICE JOINT MOTION TO AMEND FIRST  
AMENDED SCHEDULING ORDER**

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Before the Court is the parties’ Joint Motion to Amend First Amended Scheduling Order (ECF No. 127) filed March 26, 2024. The parties request a modification of the remaining case management deadlines, citing the need for more time for discovery. For cause the parties report that they have not completed non-party discovery or the forensic examination of Defendants’ electronic devices and cloud storage accounts. Until that discovery is complete, the parties cannot proceed with written discovery or take depositions. The Joint Motion does not indicate the length of the extensions sought by the parties, though their proposed order seeks an extension of the current deadline for completing all discovery from May 1, 2024, to September 30, 2024; and an extension of the current deadline for filing dispositive motions from July 1, 2024, to December 6,

2024. The new deadlines proposed by the parties would also require the Court to reset the current trial date, November 18, 2024.

Federal Rule of Civil Procedure 6(b) grants the Court the discretion to extend a deadline where good cause exists for the extension and the request is made “before the original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). Fed. R. Civ. P. 6(b) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time.”) (emphasis added). “A court asked to modify a scheduling order for good cause ‘may do so only if [a deadline] cannot reasonably be met despite the diligence of the party seeking the extension.’” *Marcilis v. Twp. of Redford*, 693 F.3d 589, 597 (6th Cir. 2012) (alteration in original) (quoting *Leary v. Daeschner*, 349 F.3d 888, 906 (6th Cir. 2003)). “The primary measure of Rule 16’s ‘good cause’ standard is the moving party’s diligence in attempting to meet the case management order’s requirements.” *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (quotation omitted).

The Court finds that the parties have not met the good cause standard for the significant extensions they seek. The parties state that their need for more time arises from ongoing efforts to complete non-party discovery and obtain the results of a forensic analysis of certain electronic devices owned by Defendants. Just as they did in a previously filed motion for an extension, the parties have explained the grounds for their request in less than one page. *See* Jt. Mot. to Am. Sch. Order Aug. 31, 2023 (ECF No. 113). Just as before the parties have provided little detail to explain their need for more time for discovery. The current Joint Motion does not describe the specifics of any non-party discovery or the current state of the forensic analysis, such as when the parties sought the discovery and made arrangements for the forensic analysis or why these steps could not be completed in time to meet the discovery deadline. The Joint Motion suggests that other fact discovery remains once the parties have completed non-party discovery and received the forensic

analysis but without indicating what that additional discovery includes. Without these details, the parties have not shown why five-month extensions of the discovery period are required. And nothing in the Joint Motion addresses the need to continue the current trial date. Therefore, the Court will **DENY** the Joint Motion without prejudice to the parties' right to re-file it with a more complete showing of good cause to the amendment of the case management plan.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: March 27, 2024